IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No. 1459 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02-07-2001 in WP No. 2261 OF 1997 on the file of the High Court.)

Between:

The Hyderabad Metropolitan Water Supply and Sewerage Board
Khairatabad, Hyderabad rep.by its Executive Director.

..... APPELLANT

AND

1. B.Sugunamma W/o.Saidi Reddy
R/o.Ghanapur Village P.A.Pally Mandal
Nalgonda District.
2. B.Saidi Reddy S/o.Buchi Ram Reddy
R/o.Ghanapur Village P.A.Pally Mandal
Nalgonda District.
3. The Govt. of A.P., represented through Secretary
Irrigation, Secretariat, Hyderabad.
4. The Chief Engineer, Irrigation,
Red Hills, Hyderabad.
5. The District Collector, Nalgonda.
6. The Revenue Divisional Officer, Miryalaguda,

Nalgonda District.
7. The Mandal Revenue Officer, Pedda Adisarlapally
Nalgonda District.

.....RESPONDENTS

Counsel for the Appellant: Mr. N.JAYASURYA

Counsel for Respondent Nos.1 & 2: Mr.S.Laxma Reddy

Counsel for Respondents 3 to 7:G.P.for Land Acquisition.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

This is an Appeal filed by the beneficiary of the acquisition of land challenging the judgment in Writ Petition No.2261 of 1997. It appears that a piece of land measuring Ac.12-33 gts. in Survey No.391 of Ghanapur village, Pedda Adisherla Pally Mandal, Nalgonda District was notified under Section 4 for acquisition along with some other land. After some time, this land was dropped from the notification and the writ petition came to be filed by the alleged owners of the land. The writ petitioners contended that this land was basically an assigned land and was assigned on payment of costs and the assignee had sold it to the writ petitioners. Therefore, they were absolute owners of the land. The learned Single Judge held that once the land was notified under Section 4(1), it could not be deleted from the same. We have our own reservation in accepting such a legal principle. However, the fact remains that the land had been notified and the learned Single Judge has asked the concerned authority, the Land Acquisition Officer to pass appropriate Award taking into consideration that the suit land was also notified under Section 4(1) of the Land Acquisition Act.

Whether the writ petitioners are owners of the land or not, or, whether the Government is the owner of the land or not, are matters which can be considered by the Land Acquisition Officer while finalizing his Award, and, parties are free to raise contentions before the Land Acquisition Officer. Even after the award is passed, the learned Single Judge has directed the Land Acquisition Officer to refer the matter under Sections 30 and 31(2) of the Land Acquisition Act to the Civil Court. In these

circumstances, we do not find any ground to interfere with the observations made hereinabove.

The Writ Appeal is disposed of accordingly. No costs.

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BILAL NAZKI, ACJ.

8.6.2005.

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G.CHANDRAIAH, J.

VR.

To

1. The Secretary to Government of A.P.,
Irrigation Department, Secretariat, Hyderabad.
2. The Chief Engineer, Irrigation,
Red Hills, Hyderabad.
3. The District Collector, Nalgonda.
4. The Revenue Divisional Officer, Miryalaguda,

Nalgonda District.
5. The Mandal Revenue Officer, Pedda Adisarlapally
Nalgonda District.

6. Two CCs to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.